

## REMARKS

### Remarks Regarding Claim Amendments

Applicants have in this Response amended independent claims 1, 12, 24, 31, and 36 and canceled claims 10 and 33-35 to place the present application either in condition for allowance. Claims 1, 12, 24, 31, and 36 are amended to define the term “origin device” consistent with the definition of the term in the specification.

### Remarks Regarding Claim Rejections

Claims 1-7, 11-18, 21, 23-32, and 36 stand rejected under 35 U.S.C § 102(b) as being anticipated by Farris *et al.* (U.S. Patent No. 6,122,357) (hereafter ‘Farris’). As will be shown below, Farris does not anticipate identifying a particular caller as claimed in the present application. Claims 1-7, 11-18, 21, 23-32, and 36 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually below and request reconsideration of claims 1-7, 11-18, 21, 23-32, and 36.

Claims 1, 12, and 24 stand rejected under 35 U.S.C § 102(e) as being anticipated by Bates *et al.* (U.S. Patent No. 6,631,181) (hereafter ‘Bates’). As will be shown below, Bates does not anticipate identifying a particular caller as claimed in the present application. Claims 1, 12, and 24 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually below and request reconsideration of claims 1, 12, and 24.

Claims 8, 19, and 22 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Farris in view of Chan (U.S. Patent No. 6,925,166) (hereafter ‘Chan’). As will be shown below, neither Farris nor Chan, either alone or in combination, teaches or suggests a method, system, or computer program product for identifying a particular caller as claimed in the present application. Claims 8, 19, and 22 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 8, 19, and 22.

Claims 9 and 20 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Baker, (U.S. Patent No. 5,533,109) (hereafter ‘Baker’). As will be shown below, neither Farris nor Baker, either alone or in combination, teaches or suggests a method, system, or computer program product for identifying a particular caller as claimed in the present application. Claims 9 and 20 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 9 and 20.

### **Claim Rejections – 35 U.S.C. § 102 Over Farris**

Claims 1-7, 11-18, 21, 23-32, and 36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Farris. To anticipate claims 1-7, 11-18, 21, 23-32, and 36 under 35 U.S.C. § 102(b), Farris must disclose each and every element and limitation recited in the claims of the present application. As explained below, Farris does not disclose each and every element and limitation recited in the claims of the present application and therefore does not anticipate claims of the present application.

### **Farris Does Not Disclose Each and Every Element Of Claim 1 Of The Present Application**

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Farris does not disclose each and every element of claim 1, and Farris therefore cannot be said to anticipate the claims of the present application within the meaning of 35 USC § 102(b).

Independent claim 1 as currently amended recites:

A method for identifying a particular caller, said method comprising:

detecting a voice utterance at an origin device, the origin device further comprising a telephony device utilized for origination of a call;

identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call.

**Farris Does Not Disclose Detecting A  
Voice Utterance At An Origin Device**

The Office Action takes the position that Farris at column 11, lines 32-41, column 19, lines 32-46, and column 35, lines 18-27 discloses the first element of claim 1: detecting a voice utterance at an origin device, the origin device further comprising a telephony device utilized for origination of a call. Applicants respectfully note in response, however, that what Farris at column 11, lines 32-41, in fact discloses is:

The IP 23 can provide a wide range of call processing functions, such as message playback and digit collection. In the preferred system, the IP also performs speaker identification/verification (SIV) on audio signals received from users. Specifically, the IP 23 used for the personalized service includes a voice authentication module to perform the necessary speaker identification/verification function. The IP 23 also includes storage for subscriber specific template or voice feature information, for use in identifying and authenticating subscribers based on speech.

In addition, what Farris at column 19, lines 32-46, in fact discloses is:

In this case, the instruction causes the IP 23 to provide a prompt message over the connection to the caller (step S10). Here, the signal to the caller may be a standard dial tone or any other appropriate audio signal. Preferably, the instruction from the SCP 19 causes the IP 23 to provide an audio announcement prompting the caller to speak personal information. In one preferred example, in step S10 the IP plays an audio prompt message asking the caller, 'Please say your full name'. The process may ask for any appropriate identifying information.

The signal received by the IP 23 goes over the lines and through the central office switch(es) for presentation via the off-hook telephone 1.sub.A to the calling party. In response, the caller will speak identifying information into their off-hook telephone, and the network will transport the audio signal to the IP 23 (step S11).

In addition, what Farris at column 35, lines 18-27, in fact discloses is:

This substitution is accomplished. In this case, the profile for child A contains data information which indicates that child A is permitted to accept a call from child C but that child C is required to authenticate herself. The IP is apprised of this requirement and uses another prompt to the calling party to identify herself. This may be a prompt such as "Who is calling?". A template for the voice of child C is maintained in the IP. This template is now used by the IP to verify that the caller is in fact child C. Child C has now been identified and authenticated as the calling party.

That is, Farris at column 11, lines 32-41, column 19, lines 32-46, and column 35, lines 18-27, discloses transporting an audio signal to the IP (Intelligent Peripheral). Farris's transporting an audio signal to the IP does not disclose detecting a voice utterance *at an origin device* as claimed in the present application. Farris' IP, described by Wheeler, Jr. et al. (U.S. Pat. No. 5,572,583) which is incorporated by reference in Farris, is a network subsystem for use in an Advanced Intelligent Network, an enhanced telephone network. That is, Farris's IP is a subsystem of a telephone network, not an origin device as claimed here. An origin device, as defined in the presently amended claims is, a telephony device utilized for origination of a call to an intermediary. Calls do not originate at Farris's IP. Because Farris only discloses transporting the audio signal to the IP that is not an origin device as claimed in the present application, Farris does not disclose detecting a voice utterance at an origin device, the origin device further comprising a telephony device utilized for origination of a call as claimed in the present application. Because Farris does not disclose each and every element and limitation of Applicants' claims, Farris does not anticipate Applicants' claims, and the rejections under 35 USC § 102(b) should be withdrawn.

**Farris Does Not Disclose Identifying A Caller Identity  
Associated With Said Voice Utterance At Said Origin  
Device, Such That Said Caller Identity Is Transmittable  
As An Authenticated Identity Of Said Caller For A Call**

The Office Action takes the position that Farris at column 19, line 65 – column 20, line 5, and column 35, lines 18-27, discloses the second element of claim 1: identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call. Applicants respectfully note in response, however, that what Farris at column 19, line 65 – column 20, line 5, in fact discloses is:

When the IP 23 receives input speech and extracts the characteristic information during actual call processing, the IP compares the extracted speech information to stored pattern information, to identify and authenticate the particular caller. In the present example, the voice authentication module 233 in the IP 23 compares the extracted speech information to the stored template or feature data for each subscriber associated with the particular off-hook line.

That is, Farris at column 19, line 65 – column 20, line 5, and column 35, lines 18-27, quoted above, discloses that the IP compares extracted speech information to stored pattern information, to identify and authenticate the particular caller. Farris's IP that compares extracted speech information to stored pattern information, to identify and authenticate the particular caller does not disclose identifying a caller identity associated with said voice utterance *at said origin device*, such that said caller identity is transmittable as an authenticated identity of said caller for a call as claimed in the present application. Farris's IP does not disclose an origin device as claimed in the present application. Because Farris's IP is used to identify and authenticate the particular caller and Farris's IP is not an origin device as claimed in the present application Farris does not disclose identifying a caller identity associated with said voice utterance *at said origin device*, such that said caller identity is transmittable as an authenticated identity of said caller for a call as claimed in the present application. Because Farris does not disclose each and every element and limitation of Applicants' claims, Farris does not

anticipate Applicants' claims, and the rejections under 35 USC § 102(b) should be withdrawn.

**Farris Does Not Disclose Each and Every Element  
Of Claim 31 Of The Present Application**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Farris does not disclose each and every element of claim 31, and Farris therefore cannot be said to anticipate the claims of the present application within the meaning of 35 USC § 102(b).

Independent claim 31 as presently amended recites:

A method for identifying a caller, said method comprising:

detecting a biometric input at a biometric enabled origin device, the origin device further comprising a telephony device utilized for origination of a call;

identifying a caller identity associated with said biometric input at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call.

**Farris Does Not Disclose Detecting A Biometric  
Input At A Biometric Enabled Origin Device**

The Office Action takes the position that Farris at column 11, lines 32-41, column 19, lines 32-46, and column 35, lines 18-27, discloses the first element of claim 31: detecting a biometric input at a biometric enabled origin device, the origin device further comprising a telephony device utilized for origination of a call. Applicants respectfully note in response, however, that what Farris at column 11, lines 32-41, column 19, lines 32-46, and column 35, lines 18-27, quoted above, in fact discloses is transporting an audio signal to the IP (Intelligent Peripheral). Farris's transporting an audio signal to the IP (Intelligent Peripheral) does not disclose detecting a biometric input at a biometric enabled origin device as claimed in the present application. Farris's IP is only a subsystem of network, not an origin device as claimed in the present application. Because Farris' IP is not an origin device as claimed in the present application, transporting an audio signal to Farris's IP cannot disclose detecting a biometric input *at a biometric enabled origin device*, the origin device further comprising a telephony device utilized for origination of a call. Because Farris does not disclose each and every element and limitation of Applicants' claims, Farris does not anticipate Applicants' claims, and the rejections under 35 USC § 102(b) should be withdrawn.

**Farris Does Not Disclose Identifying A Caller Identity  
Associated With Said Biometric Input At Said Origin  
Device, Such That Said Caller Identity Is Transmittable  
As An Authenticated Identity Of Said Caller For A Call**

The Office Action takes the position that Farris at column 19, line 65 – column 20, line 5, and column 35, lines 18-27, discloses the second element of claim 31: identifying a caller identity associated with said biometric input at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call. Applicants respectfully note in response, however, that what Farris at column 19, line 65 – column 20, line 5, and column 35, lines 18-27, quoted above, in fact discloses is an IP that compares extracted speech information to stored pattern information, to identify and authenticate the particular caller. Farris's IP that compares extracted speech information

to stored pattern information, to identify and authenticate the particular caller does not disclose identifying a caller identity associated with said biometric input at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call as claimed in the present application. As explained in detail above, Farris's IP is not an origin device as claimed in the present application and. Farris therefore does not disclose identifying a caller identity associated with said *biometric input at said origin device*, such that said caller identity is transmittable as an authenticated identity of said caller for a call as claimed in the present application. Because Farris does not disclose each and every element and limitation of Applicants' claims, Farris does not anticipate Applicants' claims, and the rejections under 35 USC § 102(b) should be withdrawn.

#### **Farris Does Not Disclose Each and Every Element Of Claim 36 Of The Present Application**

The Office Action takes the position claim 36 is rejected for the same reasons as discussed above with respect to claims 1, 5, and 6. Claim 1 is patentable for the reasons explained above. Claim 36 is therefore patentable for the same reasons that claim 1 is patentable under 35 U.S.C. § 102. Because Farris does not disclose each and every element and limitation of Applicants' claim, Farris does not anticipate Applicants' claim, and the rejection under 35 USC § 102(b) should be withdrawn.

#### **Relations Among Claims**

Independent claims 12 and 24 are system and computer program product claims for identifying a particular caller corresponding to independent method claim 1 that include "means for" and "means, recorded on [a] recording medium, for:" identifying a particular caller. As discussed above, Farris does not disclose each and every limitation of claim 1. Therefore, for the same reason that Farris does not disclose a method for identifying a particular caller, Farris also does not disclose systems and computer program products for identifying a particular caller corresponding to independent claims 12 and 24. Independent claims 12 and 24 are therefore patentable and should be allowed.



Claims 2-9, 13-23, and 25-30 depend respectively from independent claims 1, 12, and 24. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Farris does not disclose each and every element of the independent claims, Farris does not disclose each and every element of the dependent claims of the present application. As such, claims 2-9, 13-23, and 25-30 are also patentable and should be allowed.

Claim 32 depends from independent claims 31 and includes all of the limitations of the independent claim from which it depends. Because Farris does not disclose each and every element of independent claim 31, Farris does not disclose each and every element of the dependent claim 32 of the present application. As such, claim 32 is also patentable and should be allowed.

### **Claim Rejections – 35 U.S.C. § 102 Over Bates**

Claims 1, 12, and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bates. To anticipate claims 1, 12, and 24 under 35 U.S.C. § 102(e), Bates must disclose each and every element and limitation recited in the claims of the present application. As explained below, Bates does not disclose each and every element and limitation recited in the claims of the present application and therefore does not anticipate claims of the present application.

### **Bates Does Not Disclose Each and Every Element Of Claim 1 Of The Present Application**

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Bates does not disclose each and every

element of claim 1, and Bates therefore cannot be said to anticipate the claims of the present application within the meaning of 35 USC § 102(b).

Independent claim 1 as presently amended recites:

A method for identifying a particular caller, said method comprising:

detecting a voice utterance at an origin device, the origin device further comprising a telephony device utilized for origination of a call;

identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call.

**Bates Does Not Disclose Detecting A  
Voice Utterance At An Origin Device**

The Office Action takes the position that Bates at column 3, lines 41-55, 57-63, and column 4, lines 3-4, discloses the first element of claim 1: detecting a voice utterance at an origin device, the origin device further comprising a telephony device utilized for origination of a call. Applicants respectfully note in response, however, that what Bates at column 3, lines 41-63, in fact discloses is:

The term "caller" refers to a person who is typically not a subscriber of a messaging system and who is calling a phone number associated with a subscriber to access the subscriber directly or to leave a message for the subscriber at a messaging system. A caller could, however, also be the subscriber as when calling in from a remote location to check for messages.

Moreover, for the purpose of this invention, the term "caller ID" preferably refers to multiple forms of caller identification that may be received via a telephone line. In a preferred embodiment, caller ID is in the form of a name assigned to a telephone number and the ten or more digit telephone number that is captured at a communications switching

system. However, caller ID may also be in the form of a number keyed in by a caller or an alternate type of unique identifier for that caller. Moreover, a voice recognition system may be implemented to detect a caller ID as spoken by a caller. In particular, a caller may speak a number, name, or other identifier that is detected and utilized as the caller ID. In addition, the caller's actual voice may be recognizable and vocally matched to a voice byte assigned with a caller ID.

In addition, what Bates at column 4, lines 3-4, in fact discloses is:

As depicted, a voice messaging systems (VMS) 10 is connected to a switching system 40 that enables communication between subscriber and caller telecommunication terminals 42a-42n. Subscriber and caller telecommunication terminals 42a-42n may include multiple types of telecommunication terminals including, but not limited to, standard telephone systems, modems, cellular telephones, pagers, etc. In addition, switching system 40 may be part of a telecommunications network 46 that may include other telecommunication terminals, other switching systems, and other messaging systems, such as VMS 44.

That is, Bates at column 3, lines 41-55, 57-63, and column 4, lines 3-4, discloses a voice messaging system implemented to detect a caller ID as spoken by a caller. Bates' voice messaging system is located remotely across a switching system (40 on Bates' Figure 1) or a telecommunications network (46 on Bates' Figure 1) from the telecommunications terminals (42 on Bates' Figure 1) where a subscriber's voice input originates. For purposes of subscriber identification, Bates' voice messaging system detects voice utterances at the voice messaging system (10 on Bates' Figure 1), not at the terminals (42 on Bates' Figure 1). Bates' voice messaging system does not disclose an origin device as a telephony device utilized for origination of a call, but instead only discloses a device for recording voice messages. Bates' voice messaging system implemented to detect a caller ID as spoken by a caller therefore does not disclose detecting a voice utterance *at an origin device*, the origin device further comprising a telephony device utilized for origination of a call as claimed in the present application. Because Bates does not disclose each and every element and limitation of Applicants' claims, Bates does not anticipate Applicants' claims, and the rejections under 35 USC § 102(e) should be withdrawn.

**Bates Does Not Disclose Identifying A Caller Identity  
Associated With Said Voice Utterance At Said Origin  
Device, Such That Said Caller Identity Is Transmittable  
As An Authenticated Identity Of Said Caller For A Call**

The Office Action takes the position that Bates at column 3, lines 57-63, discloses the second element of claim 1: identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call. Applicants respectfully note in response, however, that what Bates at column 3, lines 57-63, in fact discloses is:

Moreover, a voice recognition system may be implemented to detect a caller ID as spoken by a caller. In particular, a caller may speak a number, name, or other identifier that is detected and utilized as the caller ID. In addition, the caller's actual voice may be recognizable and vocally matched to a voice byte assigned with a caller ID.

That is, Bates at column 3, lines 41-55, 57-63, and column 4, lines 3-4, discloses a voice messaging system implemented to detect a caller ID as spoken by a caller. Bates' voice messaging system is located remotely across a switching system (40 on Bates' Figure 1) or a telecommunications network (46 on Bates' Figure 1) from the telecommunications terminals (42 on Bates' Figure 1) where a subscriber's voice input originates. For purposes of subscriber identification, Bates' voice messaging system recognizes a caller's actual voice and vocally matches to a voice byte at the voice messaging system (10 on Bates' Figure 1), not at the terminals (42 on Bates' Figure 1). Bates' voice messaging system implemented to detect a caller ID as spoken by a caller therefore does not disclose identifying a caller identity associated with said voice utterance *at said origin device* as claimed in the present application. Because Bates does not disclose each and every element and limitation of Applicants' claims, Bates does not anticipate Applicants' claims, and the rejections under 35 USC § 102(c) should be withdrawn.

**Claim Rejections – 35 U.S.C. § 103(a)**

Claims 8, 19, and 22 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Chan. To establish a prima facie case of obviousness, the proposed combination of the references must teach or suggest all of the claim limitations of dependent claims 8, 19, and 22. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Dependent claims 8, 19, and 22 depend from independent claims 1 and 12 and include all the limitations of the independent claims from which they depend. In rejecting dependent claims 8, 19, and 22, the Office Action relies on Farris as disclosing each and every element of independent claims 1 and 12. As shown above, Farris in fact does not disclose each and every element of independent claims 1 and 12. Because Farris does not disclose each and every element of independent claims 1 and 12, the combination of Farris and Chan cannot possibly disclose each and every element of dependent claims 8, 19, and 22. The proposed combination of Farris and Chan, therefore, cannot establish a prima facie case of obviousness, and the rejections 35 U.S.C. § 103(a) should be withdrawn.

**Claim Rejections – 35 U.S.C. § 103(a)**

Claims 9 and 20 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Farris in view of Baker. To establish a prima facie case of obviousness, the proposed combination of the references must teach or suggest all of the claim limitations of dependent claims 9 and 20. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Dependent claims 9 and 20 depend from independent claims 1 and 12 and include all the limitations of the independent claims from which they depend. In rejecting dependent claims 9 and 20, the Office Action relies on Farris as disclosing each and every element of independent claims 1 and 12. As shown above, Farris in fact does not disclose each and every element of independent claims 1 and 12. Because Farris does not disclose each and every element of independent claims 1 and 12, the combination of Farris and Baker cannot possibly disclose each and every element of dependent claims 9 and 20. The proposed combination of Farris and Baker, therefore,

cannot establish a prima facie case of obviousness, and the rejections 35 U.S.C. § 103(a) should be withdrawn.

### **Conclusion**

Claims 1-7, 11-18, 21, 23-32, and 36 stand under 35 U.S.C § 102 as being anticipated by Farris. Farris does not disclose each and every element of Applicants' claims. Farris therefore do not anticipate Applicants' claims. Claims 1-7, 11-18, 21, 23-32, and 36 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1-7, 11-18, 21, 23-32, and 36.

Claims 1, 12, and 24 stand under 35 U.S.C § 102 as being anticipated by Bates. Bates does not disclose each and every element of Applicants' claims. Bates therefore does not anticipate Applicants' claims. Claims 1, 12, and 24 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1, 12, and 24.

Claims 8, 19, and 22 stand rejected under 35 U.S.C § 103 as obvious over Farris in view of Chan. The combination of Farris and Chan does not teach or suggest each and every element of Applicants' claims. Claims 8, 19, and 22 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 8, 19, and 22.

Claims 9 and 20 stand rejected under 35 U.S.C § 103 as obvious over Farris in view of Baker. The combination of Farris and Baker does not teach or suggest each and every element of Applicants' claims. Claims 9 and 20 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 9 and 20.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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